IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8007 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRANTIJ NAGAR PANCHAYAT

Versus

KANTILAL GANDABHAI PRAJAPATI

Appearance:

MR ASHISH H SHAH for Petitioner

RULE SERVED for Respondent No. 1

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 12/06/2001

ORAL JUDGEMENT

Mr.Ashish Shah, learned advocate for the petitioner states that though rule is served on the respondent, Kantilal Gandabhai Prajapati, he has not caused his appearance before this Court. Mr.Shah further informed that in fact, Mr.Kantilal G. Prajapati was Sarpanch of village Nandol, Taluka Dehgam, district

Ahmedabad. Therefore, as per his information he is not interested in implementation of the award, which is under challenge before this Court in the present petition.

2. Taking into consideration the fact that the respondent was working in Octroi Department and that as per the reply at exh.15 filed by the present petitioner, the Octroi Department, Prantij Nagar Panchayat, is closed. The work of collecting octroi was given on contract basis. Mr.Shah, learned advocate also submitted that now in the changed circumstances when the octroi is already abolished, there is no question of complying with the award in question, by which the respondent is ordered to be reinstated on the original post. Mr.Shah, learned advocate also invited attention of the Court to the contents of para 9 of the award, wherein it is stated that the respondent was having business of brick kiln and was also running a Maruti van on hire basis and serving with The Vardhaman Seva Sahkari Mandali Limited.

3. In view of the discussion hereinabove, the present petition is allowed. The impugned award of the Labour Court, Himatnagar dated 16.8.1999, Annexure 'A' to the petition is quashed and set aside. Rule is made absolute. No order as to costs.

(Ravi R. Tripathi, J.)

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